

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Mines and Quarries – Exercise of revision power under A.P. Minor Mineral Concession Rules 1996 loss of revenue – amendments to the abrogate such powers – Committee constituted – Orders – Issued.

INDUSTRIES AND COMMERCE (MINES.II) DEPARTMENT

G.O.Rt.No. 806

Dated:17-11-2012

Read the following:

- 1) From GA(V&E) Department U.O.Note:03(870/NR.I/2011), dated:27.02.2012 addressed to the Chief Secretary, Government of Andhra Pradesh.
- 2) From the Genl. Admn.(V&E) Dept. the Letter No.870/V&E/NR.I/2011, dated:21.05.2012 received through the Chief Secretary No.7558/CSP/2012, dated:22.05.2012.

O R D E R:

In the U.O.Note first read above, the V&E Department requested the Chief Secretary to advice the Industries and Commerce Department to be more prudent before taking a decision on the law evaders in revision appeals and recommendations are as follows:

- (a) *In the light of the huge losses sustained by the Government by using the provision of revision under Rule 35(A), the Chief Secretary may advice the I&C Department to take all the facts put-forth into consideration before taking a decision on the law evaders in revision appeals.*
 - (b) *It is once again re-iterated that no public interest is served by waiving off penalty amount, where in, the unscrupulous elements rob the state of its limited non renewable resources, allegedly in connivance with several agencies. The actual loss of natural resources cannot be estimated. The Government is requested to consider heavy penalty provision without waiver and repeat offenders to have their licenses cancelled.*
2. To implement the recommendations of the V&E Department the following aspects should be examined in detail.
1. The total Seigniorage Fee and penalty realized years wise since 2001
 - a. For the period when the penalty is (5)/(10) times.
 - b. For the period when the penalty is (1)/(2) times.
 - c. For the period from 01.10.2010 till date when the penalty is reverted back to (5)/(10) times.
 2. Levy of penalty in different slabs ranging from 1 to "N" of times depending upon the gravity/nature of offence committed, restricting the maximum penalty to (5) times.
 3. To formulate guidelines to be followed by the tax levying officials for arriving at the quantum of the penalty.
 4. To substantiate the demand raised levying penalty by means of proper documentary evidence such as panchanamas, still photos wherever prohibited machinery is used, and any others useful methods.
 5. Stringent punishment provisions on the officials of the department if one is found indulged in raising excessive or false demands as a measures of coercion or with a view to his personal gain (This is one of the complaints by most of the revision applicants during the hearings)
 6. The aim should be not to punish a genuine one in the guise of controlling tax evaders or illegal mines
 7. Any other aspect that needs consideration.

[P.T.O]

3. For the above purpose, the Government after careful examination of the matter, hereby constitute a Committee with the following members for thorough examination of the entire issue and submit recommendations thereon for amendment of existing rules and formulation of the new structure for levy of penalties within a period of (3) months:-

1. Principal Secretary to Govt., Ind. & Com. (Mines) Department
2. Principal Secretary to Govt., Finance Department
3. Secretary to Government, Law Department
4. One Member from General Administration (V&E)
5. Director of Mines and Geology.

4. The Director of Mines & Geology shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

D. SREENIVASULU,
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Members concerned.
The Director of Mines & Geology, Hyderabad.
The GA (V&E) Department

Copy to:

The Secretary to Chief Minister.
The OSD to M (M&G)
The P.S. to Principal Secretary to Government.
The Industries and Commerce (Mines.I) Department.
SF/SC.

"A Copy of this order is available on the Internet and can be accessed at address <http://www.ap.gov.in/goir>".

//FORWARDED BY ORDER//

SECTION OFFICER